

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Case No. 5:17-cv-00556-JAK-KES

FRANK A. RUST,

Plaintiff,

v.

CHINO PRISON HEALTHCARE

PROVIDERS, et al.,

Defendants.

JUDGMENT

Pursuant to the Court's Order Accepting the Report and Recommendation of United States Magistrate Judge,

IT IS ADJUDGED that (a) Defendants' motion for summary judgment (Dkt. 66) is granted as to Plaintiff's (i) Eighth Amendment claims against Drs. Vu and Farooq arising out of their alleged failure to protect him from LVN Warfield, (ii) Eighth Amendment claim against Dr. Vu arising out of the failure to provide Plaintiff with a cervical pillow, and (iii) First Amendment claim against Dr. Vu arising out of his alleged retaliation against Plaintiff failing to provide him with a cervical pillow;

IT IS FURTHER ADJUDGED that all of Plaintiff's other federal claims are

1 dismissed without prejudice for failure to exhaust administrative remedies; and

2 IT IS FURTHER ADJUDGED that Plaintiff's claims sounding in state law
3 (if any) are dismissed without prejudice to Plaintiff pursuing those claims in state
4 court.

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6 DATED: May 29, 2019

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JOHN A. KRONSTADT
UNITED STATES DISTRICT JUDGE